

Falls Church, Virginia 20530

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File: D2014-122

Date: JUL 08 2014

In re: ALICIA R. MARTINEZ, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE (AMENDED)<sup>1</sup>

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

ON BEHALF OF DHS: Diane H. Kier  
Associate Legal Advisor

The respondent will be suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 1 year.

On April 14, 2014, the District 10 Grievance Committee, Evidentiary Panel 10-4 of the State Bar of Texas issued a Judgment of Partially Probated Suspension suspending the respondent from the practice of law in Texas for 1 year. Consequently, on April 24, 2014, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition for immediate suspension on May 13, 2014.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. § 1003.105 (2013). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105 (2013).

The Notice proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 1 year. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105 (2013).

The proposed sanction is appropriate in light of the respondent's suspension from the practice of law in Texas for 1 year. Accordingly, the Board will honor that proposal. As the respondent is currently under our May 13, 2014, order of suspension, we will deem the respondent's suspension to have commenced on that date.

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<sup>1</sup> The Board issued a final order of discipline in this matter on June 18, 2014. The fifth paragraph of that order stated that the proposed sanction was appropriate in light of the respondent's disbarment in Texas. The sentence should have read that the sanction was appropriate in light of the respondent's suspension from the practice of law in Texas for 1 year. We therefore are issuing an amended order correcting the misstatement in the fifth paragraph. The remainder of the order remains unchanged.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 1 year.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107 (2013).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2) (2013).

  
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FOR THE BOARD